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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/819,176	03/27/2001	Matthew Charles Gauthier	44431/233634	3838

27488 7590 02/27/2004

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EXAMINER

BONSHOCK, DENNIS G

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 02/27/2004

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/819,176

Applicant(s)

GAUTHIER ET AL.

Examiner

Dennis G Bonshock

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-31 is/are pending in the application.
- 4a) Of the above claim(s) 32-38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date Z.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's election with traverse of claims 28-38 in Paper No. 9 is acknowledged. The traversal is on the ground(s) that neither asserted subcombination is shown to be separately usable. This is not found persuasive because the creating of a web query in group I can use a spreadsheet as used in group I or an entirely different spreadsheet, also the web query in group II can be graphically created in a manner entirely different from that in group I.
2. The inventions are distinct, each from the other because of the following reasons:
3. Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as to efficiently create a Web query in a spreadsheet application program. See MPEP § 806.05(d).
4. The requirement is still deemed proper and is therefore made FINAL.

Election/Restrictions

5. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claim(s) 18-31, drawn to a creating a spreadsheet from a web browser program, classified in class 715, subclass 503.
 - II. Claim(s) 32-38, drawn to a selection and controlling of elements in a web browser, classified in class 345, subclass 856.

6. Inventions of group I and group II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, the invention of group II has separate utility, such as being more focused on the selection and controlling of items in a database, than that claimed in group I. See MPEP § 806.05(d).

7. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

8. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

9. During a telephone conversation with Murrell W. Blackburn, on February 18, 2004, a provisional election was made with traverse to prosecute the invention of Matthew Gauthier, claims 18-31. Affirmation of this election must be made by applicant in replying to this Office action. Claims 32-38 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Examiners Amendment

10. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

11. Authorization for this examiner's amendment was given in a telephone interview with Murrell W. Blackburn on 2-18-2004.

12. In claims 27-31, change "The method of Claim 26" to "The computer readable medium of Claim 26".

Claim Objections

13. Claim 18 is objected to because of the following informalities: The claim recites, "...copying a tabular data objects from..." which is grammatically incorrect. Appropriate correction is required.

Claim Rejections - 35 USC § 102

14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

15. Claims 18-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Freivald et al., Patent # 5,983,268.

16. With regard to claim 18, Freivald teaches creating a web query in a spread sheet application by copying tabular data objects from a first electronic file in a web browser to a second electronic file in a spreadsheet application program (see the abstract and column 4, lines 14-45 of Freivald), opening a first electronic file in the web browser program (see column 4, line 24-27), selecting the tabular data object to copied (see

column 6, lines 16-23), pasting tabular data objects for the first electronic file to the second electronic file (see column 6, lines 27-37 and 44-46), launching a web browser program containing a first electronic file in a web query dialog box open in the spreadsheet program and selecting the tabular data objects from the web browser program to create the web query (see column 2, lines 45-49, column 2, line 62 through column 3, line 5, and column 12, lines 12-24). Freivald further teaches in column 12, lines 7-25, being able to select, and selecting a command for the creation of the refreshable web query from the spreadsheet application. It is inherent that this command could be located in a drop-down menu as many commands are in an Excel spreadsheet (see column 2, lines 13-17).

17. With regard to claim 19, Freivald further teaches determining whether the web browser program supports a first format (see column 11, lines 7-12), and if so determining whether a first identifier tag associated with the tabular data object has been set to a first value, and retrieving URL information associated with the tag (see column 2, lines 16-27 and column 4, lines 30-43).

18. With regard to claims 20 and 27, which teach the first computer command being a "Create Refreshable Web Query" command, Freivald further teaches, in column 12, lines 7-25, selection to create the web query being made through the client.

19. With regard to claims 21 and 28, which teach the first identifier tag being a META tag, identifying the application program that the plurality of data was selected from, Freivald further teaches, in column 4, lines 32-42, a tag identifying and linking data from the spreadsheet to the web page.

20. With regard to claims 22 and 29, which teach the second identifier tag being selected from the group consisting essentially of http://, https://, ftp://, and file://, Freivald further teaches, in column 4, lines 32-42, the spreadsheet data being received over a network from a webpage in the "world-wide web."

21. With regard to claims 23 and 30, which teach the first format comprising a CF_HTML format, Freivald further teaches, in column 6, 14-27, identifying areas to be copied and giving them HTML tags, similar to using a clipboard to temporarily store data.

22. With regard to claims 24 and 31, which teach the plurality of data comprising tabular data, Freivald further teaches, in column 6, lines 15-28, selecting and working with tabular data.

23. With regard to claim 25, which teaches associating a redirection tag (numerical identifier) with objects in the first file (web page) and associating these tags with data objects in the second file; if the files are not associated, associating them, Freivald further teaches, in column 2, line 45 through column 3, line 5 and column 6, lines 20-28, using a tag to associate the specific objects in each of the files with each other. Freivald also teaches, in column 6, lines 47-60, the initial step where the associations are made.

24. With regard to claim 26, Freivald teaches creating a web query in a spread sheet application by copying tabular data objects from a first electronic file in a web browser to a second electronic file in a spreadsheet application program (see the abstract and column 4, lines 14-45 of Freivald), opening a first electronic file in the web browser

program (see column 4, line 24-27), selecting the tabular data object to copied (see column 6, lines 16-23), pasting tabular data objects for the first electronic file to the second electronic file (see column 6, lines 27-37 and 44-46), Freivald further teaches determining whether the web browser program supports a first format (see column 11, lines 7-12), and if so determining whether a first identifier tag associated with the tabular data object has been set to a first value, and retrieving URL information associated with the tag, (see column 2, lines 16-27 and column 4, lines 30-43), and determining if the URL contains a second identifying tag (marker) and retrieving that information (see column 6, lines 16-28).

Conclusion


25. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach systems linking data from a spreadsheet in a webpage to a spreadsheet local to a user.

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis G Bonshock whose telephone number is (703) 305-4668. The examiner can normally be reached on Monday - Friday, 8:30 a.m. - 5:00 p.m.

27. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

28. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

dgb


RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173